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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,945	11/15/2000	Tuan Tran	80168-0131	8533
32658	7590	04/07/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/711,945	Applicant(s) TRAN, TUAN	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 11 January 2005.

#### ***Status of Claims***

2. Claims 1, 12, 15, 16 and 21 are currently amended. Claims 2-4, 8 and 22 have been cancelled. Remaining claims are left as originally filed or previously presented. Therefore claims 1, 5-7 and 9-21 are under prosecution in this application.

#### ***Response to Arguments***

3. Applicant's arguments, filed 11 January 2005, with respect to the rejection(s) of claim(s) 1, 5-7 and 9-21 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Therefore claims 1, 5-7 and 9-21 are rejected based on the prior art cited below and Applicant's request for allowance is respectfully declined.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 5-7 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al. (hereinafter Korhammer) U.S. Patent 6,278,982 in view of Burke et al. (hereinafter Burke) U.S. Patent 6,789,252.

Regarding claims 1, 12, 14, 15 and 21, Korhammer teaches a system for developing and using a request for transaction framework comprising: a framework engine configured to enable a market maker to develop a request for transaction framework for a particular market, wherein

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the framework engine creates the request for transaction framework for the particular market based on attribute parameters selected and defined by the market maker (column 5, lines 46-57); a request for transaction engine to manage a request for transaction using the request for transaction framework, and configured to enable an organization within the particular market to prepare a request relating to a resource requirement and select a response relating to the resource requirement, a response engine, and an analysis engine (column 10, lines 1-54 and column 12, lines 8-30); wherein the analysis engine enables an organization to perform an analysis framework on a plurality of responses based on a number of attributes, the analysis framework available to the organization being determined by the market maker using the framework engine and the number of attributes comprising a set of attributes from an existing set of attributes (column 7, line 57 thru column 8, line 27); wherein the request comprises structured attribute information relating to the resource requirement, the structured attribute information being defined by the market maker using the framework engine (column 10, lines 1-54 and Figures 8 and Figure 9).

Korhammer fails to teach that the parameters are extensible by allowing at least one new attribute defined by a user of the system and not present in the previous existing attributes to be defined. Burke teaches a method and system for providing an open and extensible object definition framework that manages business object definitions as specification (Abstract and column 43, lines 13-67). Continuing Burke teaches the capability to build business applications for any market, by anyone, including market makers (column 7, lines 59-67). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Korhammer could be modified to include the extensible attribute teachings of Burke because it would provide a

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method for a customer to specify their desired attributes and increase the efficiency of matching a buy and sell order based on the desired of the customer.

Claim 5, the request engine comprises a request for proposal engine and a request for quote engine (column 8, lines 28-67).

Claim 6, Korhammer teaches an analysis engine wherein the analysis framework available to the plurality of providers is determined by the market maker using the framework engine (column 7, line 57 thru column 8, line 27). Korhammer fails to teach that the parameters are extensible by allowing at least one new attribute defined by a user of the system and not present in the previous existing attributes to be defined. Burke teaches a method and system for providing an open and extensible object definition framework that manages business object definitions as specification (Abstract and column 43, lines 13-67). Continuing Burke teaches the capability to build business applications for any market, by anyone, including market makers (column 7, lines 59-67). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Korhammer could be modified to include the extensible attribute teachings of Burke because it would provide a method for a customer to specify their desired attributes and increase the efficiency of matching a buy and sell order based on the desired of the customer.

Claim 7, wherein the response engine enables the plurality of providers to prepare and transmit a plurality of responses to the request (column 12, lines 8-30).

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Claim 9-11, Korhammer fails to specify the organization transmits information to and receives information from the request engine and the analysis engine based on a first language, currency or unit of measurement and each of the providers transmit information to and receive from the response engine and the analysis engine based on a second language, currency or unit of measurement associated with a provider user. Burke teaches the ability to utilize any language, currency or unit of measurement when building business applications. Therefore it would have been obvious to modify the teachings of Korhammer and include the teachings of Burke because trading utilized globally and it provides an efficient manner for communicating between buyers and sellers in a manner in which each user can be comfortable with the information by having it expressed in their most comfortable format.

Claim 13, wherein the request comprises structured attribute information relating to a resource requirement (Figure 8).

Claim 16, Korhammer fails to teach creating a new attribute. Burke teaches creating new attributed comprising determining an attribute analysis framework option; and developing, based on each of the determined attribute parameters, a new attribute (column 43, lines 14-67). Korhammer fails to teach that the parameters are extensible by allowing at least one new attribute defined by a user of the system and not present in the previous existing attributes to be defined. Burke teaches a method and system for providing an open and extensible object definition framework that manages business object definitions as specification (Abstract and column 43, lines 13-67). Continuing Burke teaches the capability to build business applications

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for any market, by anyone, including market makers (column 7, lines 59-67). Therefore it would have been obvious to one of ordinary skill in the art that the teachings of Korhammer could be modified to include the extensible attribute teachings of Burke because it would provide a method for a customer to specify their desired attributes and increase the efficiency of matching a buy and sell order based on the desired of the customer.

Claims 17 and 18, Korhammer teaches data entry for attributes comprising one of a drop down list, a list box, an input box, a combination box, a radio button, and a check box (Figure 8 and Figure 9).

Claim 19, Burke teaches providing new attributes in electronic markets, however Burke fails to specify providing a help object associated with each attribute. Official Notice is taken that help objects are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Brady to include help objects for newly created attributed because it provides a user of the system beneficial information to understand what is desired by the newly created attribute, which is necessary to produce a match between buyers and sellers.

Claim 20, Korhammer and Burke teach utilizing a graphical user interface for entering market attributes (Figure 8 and Figure 9).



***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
28 March 2005



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600